

THE VOICE OF LAY EXPERIENCE IN CHRISTIAN ETHICS

By "lay experience" I mean the experience that individual Christians have of the realities of human life. Examples might be experiences of being a woman, being a black, being an impoverished laborer, being a member of the Third World, having sex, waging revolution, procuring an abortion, getting psychotherapy, and enjoying nature. Lay experience, therefore, as I understand it, is something all Christians have, including popes and bishops and theologians. "Lay experience" is distinguished from what popes and bishops authoritatively declare and theologians reflexively think, but not from what they, like any other Christian, may experience of human life.

"Lay experience" is distinguished, too, from what only popes, bishops, theologians, pastors, and other functionaries of the Church may experience. "Lay experience" is distinguished, too, from experiences proper to certain ways of life authorized by the Church, e.g. the experience of the vows or sacerdotal experience or missionary experience. "Lay experience" is the experience of the Christian simply as Christian and human being.

"Lay experience" is what the individual Christian becomes concretely aware of as he or she interacts here and now with these individual persons and these individual things. Lay experience, therefore, as I am defining it, can be religious, as "lay experience" of a Eucharistic liturgy or a charismatic prayer meeting or solitary contemplation. But, as my examples given above may have already intimated, this paper will deal principally with the lay experience of secular realities, since they, generally speaking, are more germane to the questions of Christian ethics.

I

What can Christian lay experience say to ethical questions that are now being hotly debated in the Church? How can moral theologians use the testimony of lay experience in their theological inquiries? These are two formulations of the same methodological question. It is the question I am addressing this morning.

To answer this methodological question, however, we must back up for a running start. We must first take time to distinguish two principal tasks of the moral theologian or Christian ethicist. In this paper I use "moral theologian" and "Christian ethicist" as synonyms.

Vis-à-vis debated ethical questions of the day, the moral theologian has one obvious task. What apparently is not obvious to many contemporary moral theologians is that they often have a second task regarding the same questions. We will get to the second task shortly, but let us dwell awhile on the first. A first, obvious task of the moral theologian is to try to give right now a practical answer to the debated ethical question.

Obvious as this task of the Christian ethicist may be in principle, it often reveals itself in practice to be subtle, evasive and even paradoxical. On many a controverted question of the day, we ethicists end up by saying, rightly, two things. We are *not* certain of the answer to this question. We *are* certain of the answer to this question. Both statements are true.

We are *not* certain of the answer because the arguments and evidence thus far advanced pro and con in the forum of the Church are not conclusive. They may make one answer more probable than the others. But they do not exclude reasonable doubt and the possibility that another answer is the true one.

We *are* certain of the answer because people here and now have to make practical decisions in the fact of this particular ethical question. Not to decide is to decide. When one has to decide, one can usually come to a decision that is surely a good one in the circumstances. It is perhaps easier to see in prudential questions of human life than in ethical ones how mere probabilities about the facts of the case can make it certain what the individual should do.

Suppose I am a physician specializing in the treatment of cancer. A patient of mine has lung cancer. I know the present state of research in the field: it gives my patient little hope. It indicates that the best chance of cure, a very slim one, lies in radiation. As a competent physician, therefore, I am certain that radiation is the treatment for my patient to take. I recommend it, and rightly.

However, I also know that, as research advances, it may turn out that this was not the treatment my patient should have taken. It may turn out that my recommendation was also wrong. Science may discover that radiation only feeds the peculiar brand of cancer my patient has and speeds his death. Moreover, I know of other treatments of lung cancer being researched. The results of the research so far indicate nothing. But, as the research continues, one of the treatments may emerge as much more effective against lung cancer than radiation.

The principle here is not the simple one of human fallibility and the necessity of following one's convictions though they may turn out to have been subjective and wrong. My recommendation of radiation is a rational, soundly scientific judgment. It is dictated by the objective evidence available to me.

I have to make a decision here and now about the treatment for this patient with his lung cancer. I cannot reach certainty about what is really the effective treatment for his disease. But scanning the available evidence with my trained judgment, I can and do reach certainty about what is probably the effective treatment for this disease. I am, therefore, certain it is the necessary treatment for him to take and the right one for me to recommend, though I know it may turn out, in another sense, to have been wrong.

This methodology, commonplace for prudential judgments in medicine and other sectors of human life, belongs also in Christian ethics. The old moral theologians knew it well. A classical moralist's

primary endeavor was to achieve certainty about the moral nature of the human activity under scrutiny. He searched, therefore, for arguments that would determine with certainty the morality or immorality of the activity. He looked for the strongest arguments and was satisfied only if he found some strong enough to prove the definitive answer to the issue, excluding all reasonable doubt.

If, however, the classical moralist could find no arguments that strong and certain, he turned to a different method. Accepting that certainty about the moral nature of the activity was presently impossible, he worked to determine the probability. First, he searched for all arguments that had any force about the moral nature of the particular activity. The arguments might be strong or weak. They might favor one answer or the other. He gathered them all.

The work of the moralist now was to determine exactly the force of each of these arguments. He then weighed them all together in balance, and concluded what was the objective probability concerning the moral nature of the questioned activity. Finally, on the basis of this probability, the moral theologian reasoned to what certainly was the present obligation of the individual in regard to the activity. No matter how inconclusive or conflicting was the evidence concerning the morality of the activity, moral theologians of the tradition maintained that the final moral judgment, *iudicium practico-practicum*, could and should always be objectively certain, *obiective certum*.¹

I am not so foolish as to attempt a thumbnail sketch of how one gets from probability to certainty in this context. The internecine disputes on the subject are among the bloodiest in the history of Roman Catholic moral theology. But in ethical practice, this kind of transition from probability to certainty is often as evident and unobjectionable as in the parallel case of the patient with lung cancer which I gave above.

Let me illustrate ethical practice by another hypothetical example. Here, as frequently in the rest of the paper, I draw my example from sexual ethics. I do so partly to move forward discussion in that field. I do so also because sexual ethics illustrates with particular sharpness the general principles of ethical methodology with which this paper is concerned.

Let us suppose that John McNeill and others have convinced me that the principal arguments Christianity has used to universally condemn homosexual behavior do not hold. I read modern Christian literature on homosexuality and find no new negative arguments that are any more conclusive. I am, therefore, not at all certain that homosexual behavior is universally and under all conditions bad and immoral.

But this does not automatically yield me the conclusion that it is morally right for me to engage here and now in homosexual behavior, for neither can I find in the literature or in my own mind certain proofs that

¹ Cf. H. Jone, O.F.M. Cap., and U. Adelman, O.F.M. Cap., *Moral Theology*, revised English translation of the thirteenth German edition with additions (Westminster, Md.: Newman, 1953), pp. 43-46 (nos. 92-95); H. Davis, S.J., *Moral and Pastoral Theology*, I (New York: Sheed and Ward, 1943), pp. 69-72.

some homosexual behavior is *not* bad and immoral. I simply am not sure of the moral nature of homosexual behavior in general or particular.

Nevertheless, my lack of certainty concerning the moral nature of homosexual behavior does not prevent me from proceeding methodically to a responsible, well grounded certainty about my present obligation regarding homosexual activity. To do so, I survey all the evidence that bears on my question with some probative force. As said, I have found none of the evidence conclusive pro or con, but much of it carries some weight.

For the immorality of all homosexual behavior stand, if not the Bible or classic natural law theory, then certainly the unequivocal declaration of Church authorities, past and present, the consensus of Christian people and theologians in the past, and the view of the large majority of Christian people and theologians today. *Against* the immorality of all homosexual behavior, and *for* the goodness and morality of certain homosexual behavior, stands a growing record of experiences of loving, committed, Christian, homosexual couples of our time. They have sex together and experience it as a thoroughly good kind of loving, integrating well into their maturely loving intimacy.

Since we are imagining an hypothetical example simply to illustrate methodology, we could construct it further in several different ways. For example, I might conclude that the testimony of homosexual lovers, sincere though it be, is too scanty and ambiguous to weigh against the authority of the Church, the common judgment of theologians and the consensus of the faithful. I judge it, therefore, so improbable that homosexual behavior could ever be a good form of human love and so probable that it is always deformed and evil that my obligation is clear and certain to me. I must refrain from all homosexual behavior at the present time.

We will exploit further this hypothetical illustration as we go on to discuss a second task of Christian ethics. The second task is indeed the central concern of this paper. Before proceeding to it, however, let us recapitulate some methodological essentials of the first task that have emerged in our discussion. The first task of Christian ethics, we have said, is to give here and now practical answers to ethical questions debated in the Church. In other words, the Christian ethicist works to determine what at the present moment the individual Christian should or should not do concerning a certain kind of behavior.

Integral to the task are (A) the method appropriate for reaching certainty about the moral nature of the behavior. This method is to gather the strongest evidence and trace out, with unremitting rigor and lucidity, how this evidence proves one definite answer beyond reasonable doubt.

(B) If the ethicist cannot reach certainty on the question, he or she should turn to the method appropriate for determining present probability. This method is to weigh in the balance all evidence of any kind and see which way the scales tip.

(C) If the ethicist determines the probable moral nature of the activity in question, he or she should reason to what is certainly the

individual's present obligation vis-à-vis this activity. This method is not explicated in this paper. I merely recalled that it is a commonplace of ordinary human prudence as well as Roman Catholic moral theology. When yesterday evening Daniel Maguire urged a return to "probabilism" in moral theology, he was advocating one of the traditional versions of this step of moral reasoning.²

Any ethicist who, in carrying out this first task of Christian ethics, has engaged consciously and methodically in "A," "B" and "C" knows that my preceding generalities cover a multitude of problems of theory and practice. But generalities seem called for, for in many sectors of Christian ethical discussion today, moral theologians carry out this first task without distinguishing "A," "B" or "C" at all. Others, showing some recognition of the distinction, fail to respect, even in the most general way, the different methods proper to each. This lack of elementary methodology keeps the discussion from any advance. Contemporary discussion of sexual ethics is a good example: a heated milling around, getting nowhere on an open road.³

II

The Christian ethicist has a second, different task in regard to the debated moral questions of the day. Having a different aim, the second task has a different methodology from the first. In relation to the same question, the ethicist may exercise both tasks and both methodologies. But he must know when he is doing one thing and when he is doing the other.

Let us suppose that our cancer specialist not only sees patients, but also does research. At the time when our patient consulted him, he was beginning to research an hitherto untested treatment for lung cancer. Too little was known of the treatment to permit its use on the present patient. The specialist did not yet know whether the treatment had any efficacy against cancer. He had reason to fear it would have disastrous side effects on humans exposed to it. Yet some tiny clues suggested the possibility that the reverse might be true. The new treatment just might turn out to be more efficacious against lung cancer than any treatments now in use. One might conceivably find a way of applying the treatment in which bad side effects would be minimal. At the same time that he carried out one professional task of prescribing radiation for his patient, he was carrying out a second professional task by starting to research the new treatment on nonhuman animals.

Turning, by way of analogy, to ethics, one sees two similar tasks. Robert Bellarmine, in his younger years, taught the traditional doc-

²Cf. in these same *Proceedings*, D. Maguire, "Human Sexuality: The Book and the Epiphenomenon," pp. 54-76.

³Felicitous exceptions are A. Kosnik, W. Carroll, A. Cunningham, R. Modras and J. Schulte, *Human Sexuality. New Directions in American Catholic Thought* (New York: Paulist, 1977), and P. Keane, *Sexual Morality: A Catholic Perspective* (New York: Paulist, 1977). They frequently come to decisive practical judgments by a weighing of pros and cons and with a recognition that these conclusions are only probable, subject to revision in the light of further evidence.

trine that loaning money at interest was immoral and sinful. In his later years, he taught the contrary. His change of mind had a part in the eventual change of the official Church position. There must have been an intermediate time when Bellarmine was still teaching individual Christians their obligation to follow the traditional doctrine while another part of his mind was starting to move critically and constructively towards the possibility of a truer understanding of the moral nature of lending money at interest in the concrete society of his time. He was simultaneously exercising two different tasks of the Christian ethicist, distinguishing one from the other.

One could label the first task of the Christian ethicist "analytic-evaluative" or "judgmental." On a given moral question, he analyzes and evaluates the evidence presently at hand to judge the present responsibility of the Christian. But if the evidence suffices to ground only probability about the moral nature of the questioned activity and fails to exclude all reasonable doubt, the ethicist has at the same time a second task, a "critical-exploratory" one. Even while affirming his unequivocal judgment about the present responsibility of the Christian, he calls that judgment in question. He explores various sources of evidence for new evidence that might change the present leaning of the evidence and lead to a better grounded judgment. The better judgment may well contradict the one he now makes about the Christian's responsibility.

Let us return to our hypothetical illustration involving homosexual behavior. We hypothesized that, balancing pros and cons, I judged that the probability of homosexual behavior being evil was so great that my obligation was clear and certain to refrain from all homosexual behavior at the present time. The evil of homosexual behavior, however, is only probable, not certain, for I noted the number of loving homosexual couples reporting that their sex integrates well into their committed, maturely loving intimacy. Consequently, while still acknowledging my present obligation to refrain from all homosexual behavior, I start to study more intensively and extensively the positive experiential evidence coming in, for I suspect it may eventually establish that certain homosexual behavior is as intrinsically good as heterosexual.

Or one could imagine the same two ethical tasks each moving in the opposite direction to what I have just hypothesized. I might judge that on this question the position of hierarchy, people and theologians carries little force because none of the arguments given for the position stand up to criticism. The very types of moral reasoning that most of these arguments represent have been generally abandoned by theologians today. Moreover, there is no consensus in the Church on a single argument, traditional or modern, as proving the evil of all homosexual behavior.

In this contrary hypothesis, I feel I must recognize the weight of the statistical data and personal testimonies indicating that homosexual sex can well express mature, committed love. I judge that this experiential evidence gives enough probability to a positive view of homosexuality so that, under given conditions, I may responsibly engage in homosexual

behavior. But in this hypothetical case, I still might not be personally convinced that homosexual behavior can ever be morally good. Although the force of the new evidence compels me to be permissive, my own intuitive surmise is that homosexual behavior is evil and should be universally condemned. While making my permissive judgment, I turn to study anew the experiential evidence of homosexual and heterosexual behavior in order to see whether a broader, more rigorous and more sensitive scrutiny will not uncover an intrinsic evil essential to all homosexual intercourse.

The critical-exploratory task of ethicists is aimed ultimately at supporting their first task of giving a definite judgment on the practical responsibilities of the individual. But its immediate goal is only exploratory and it, therefore, has a different methodology from the first task. First, exploratory ethical work is always *partial*. It is impossible to explore everywhere simultaneously. The ethicist must abstract from many considerations pertinent to the final moral judgment while she probes one limited area for fresh evidence and light.

Secondly, exploratory ethical work is *free*. Inasmuch as the ethicist limits and corrects his exploration so as not to conflict with conclusions he has previously come to, he is not exploring. In the exploratory phase of ethics, the ethicist is free to set up any hypothesis whatever to be tested by any critical means whatever. He or she can give full play to imagination, dim intuition, creativity, experimental thinking, etc. It is perhaps debatable whether the following *dictum* of Teilhard de Chardin should be applied to the ethicist's determining of the final moral judgment. But it certainly applies to the ethicist's critical exploring.

The customary education of the Christian conscience tends to make us confuse tutiorism with prudence, safety with truth. Avoiding the risk of a transgression has become much more important to us than carrying a difficult position for God. And it is this that is killing us. 'The more dangerous a thing, the more is its conquest ordained by life': it is from that conviction that the modern world has emerged; and from that our religion, too, must be reborn.⁴

Thirdly, ethical exploratory work unfolds *according to its own dynamics and at its own pace*. One cannot rush its conclusion. The exploring ethicist has to take time, continue patiently to construct, and engage in extended give-and-take with fellow ethicists. In a field so badly needing exploration as Christian ethics, one would expect, therefore, to find in the literature numerous essays pursuing exclusively one line of thought. They might articulate certain concepts of value and their ramifications. They might elaborate certain interpretations of recognized experience. The authors would draw no moral conclusion, but invite critical, constructive response from other ethicists. I do not know a single such essay in the literature of Christian sexual ethics.

Beneath the measured tones of many moral theologians speaking of sexual morals today, one detects a panic-stricken nervelessness, which,

⁴P. Teilhard de Chardin, *Toward the Future*, trans. by René Hague (New York: Harcourt Brace Jovanovich, 1975), p. 75.

ironically, keeps them from doing anything to resolve the crisis that causes their panic. These theologians appear so anxious to come to the right practical conclusions that they cannot take the time to let their mind follow freely its own slow rhythm or to let experience, in its season, yield them its fruit.

III

In carrying out the critical-exploratory task of Christian ethics, the ethicist can explore any of those sources of evidence on which she draws in her judgmental work: Scripture, the Christian tradition, statements of popes and hierarchy, etc. She might, for example, explore the thought of a dominant thinker of the Christian tradition. She might pore over the pages of Thomas Aquinas hunting for clues of what Thomas meant and perhaps truly saw when he endorsed that medieval moral principle so opaque to the modern mind: the Christian husband and wife sin whenever they have intercourse for the pleasure of it.⁵

If the ethicist is simply exploring, she need not confront the thought of Thomas with modern insights into the goodness of the body and its pleasures, the interpersonal value of loving sex, etc. She can rather just ask her question and listen long and single-mindedly for his answer. She can just (!) contemplate human sexuality with Thomas and let his insights grow in her mind in all their amplitude.

But since this second task of Christian ethics is to critically question received positions and to search for new, more cogent evidence, it involves, in a special way, one particular source of understanding, namely the experience of the individual Christian. Experience gives special hope of finding new evidence, for experience is created by the here and now and therefore is especially open to the new insights that surface among men and women at given times and places. For the same reason it is especially open to fresh inspiration by the Spirit.

History rarely shows, I believe, improvements in Church moral teaching that began with pope, bishops or theologians carrying out their functions. Generally speaking, the improvements originated with ordinary Christians gradually recognizing intolerable disvalues or dreaming of new values that could be. This is surely true of the modern era. Where first stirred the movements that led the Church eventually to support officially the abolition of slavery, the use of psychotherapy, the formation of labor unions, the development and application of empirical science, the establishment of modern democracy, a more extended responsibility of the state for the disadvantaged, a positive nonprocreative purpose of conjugal sex, etc.?

In taking up his critical-exploratory task, therefore, the ethicist can say, "I don't know how good or bad X behavior is. I have considered opinions and act on them. But I am not certain. Let me work anew the evidence of individual Christian experience to see what better under-

⁵Cf. J. G. Milhaven, "Thomas Aquinas on Sexual Pleasure," *Journal of Religious Ethics* 5, 2 (Fall, 1977), 157-81.

standing I can get." How does the ethicist do this? How does he critically explore lay experience? We have finally arrived at our central question. It will occupy us for the remainder of the paper.

Let me start with some oversimplified illustrations. The Church changed its position on usury because it experienced with progressive clarity that the actual lending of money at interest in sixteenth-century Europe did not verify the concept that had been traditionally condemned by Bible and Church. Experience, and experience alone, revealed the new reality and demanded a new value judgment. It was ordinary experience that did it, the secular experience that individuals like Robert Bellarmine gained of the actual loaning done by bankers like the Fugger family of Augsburg.

Another illustration: among the ten churchmen who wrote Martin Luther King in Birmingham jail, criticizing his illegal parade and provoking his famous letter, was Bishop Durick of Tennessee. In the following years Durick moved to a more vigorous, less qualified support of the black movement. Why did he change? Anyone who knew Bishop Durick knows that his persistent openness to the ongoing experience of American blacks was a key factor. I like to think that the wedge opening Durick further to the black experience of age-old oppression and budding liberation was some of those great paragraphs King wrote him from Birmingham jail, sharing, for instance, the shame of a black father before his little son.

Herbert Edwards has surveyed the responses which white Protestant ethicists gave in 1950-65 to the burgeoning black civil rights movement. Edwards' documentation reveals a pattern. The ethicists protested that they sympathized with the blacks and condemned the injustice being done to them. But they, alas, had to condemn also the present movement. It was far too impatient, too confrontative, too disruptive of law and order. This was, recall, in the early, nonviolent stage of the movement. As one reads the quotations that Edwards parades, it staggers the mind to see how eminent theologians like Reinhold Niebuhr and Paul Ramsey clearly did not sympathize with the blacks, despite their protests to the contrary. So, too, Durick when he wrote to King. So, too, numerous Catholic moral theologians of the period. Few white Christian ethicists of the time did "sympathize," *sympathein*, experience with, the blacks. We, reading their words with the lovely lucidity of hindsight, see how little sense those ethicists then had of the encrusted frustration, seething rage and sickening shame that blacks felt. How little sense they had of the new hope and pride and joy more and more blacks were experiencing precisely as they dared to confront Whitey and assert themselves.⁶

The insensitivity of Christian theologians to values and disvalues, old and new, experienced at the beginnings of the civil rights movement, staggers our mind, as we look back. Will someone, ten years from now, look back at our words and marvel how we could have been so insensi-

⁶H. O. Edwards, *Christian Ethics and Racism* (Ph.D. Thesis, Brown University, 1974), available in film copy from University Microfilms, Inc.

tive to value-laden experience going on now? Eventually Durick and other Christian bishops and theologians began the massive, herculean task of opening their minds to American black experience and to the unsettling, but real values and disvalues this experience disclosed. I trust that all of us here today are continuing today that laborious enterprise which they started. But are we striving just as hard to open ourselves to experience on other burning moral issues of our time?

Are we striving to be as open as we can to the experience of Third World proletariat? To the experience of post-colonial people still dependent on the West? To the experience of American women struggling for new personal identity and new social roles? To the experience of loving, committed couples who engage in sex forbidden by the Church (as the Fuggers of Augsburg engaged in financial transactions forbidden by the Church)?

IV

But our illustrations need not stay quite so simplified. Charles Curran says that the moral theologian looks at things critically, systematically, thematically.⁷ Let us make a start at doing so.

How exactly did ethicists finally get a more objective grasp of the values incarnated in the civil rights movement? As we saw, a great source of light was the black leaders speaking out their experience ruthlessly and hopefully, and the white ethicists eventually listening and sharing and pondering the experience. But *how* did the shared experience work the change? How, for example, does the experience move one from "is" to "ought"? One needs a whole epistemology of experience as source of moral understanding. Let me suggest some prolegomena for such an epistemology.

One key principle is: ordinary human experience can be, in itself, a revelation of value or disvalue. Indeed, experience is often the only revelation we human beings can have of certain values. Experience is often the only way we can come to understand and objectively appraise values pertinent to our ethical inquiry. What I say of "values" in this and following paragraphs should be understood also for the corresponding "disvalues." How could we weigh objectively the real evil of black shame and rage in America, if the blacks did not share that concrete, felt shame and rage with us? Where else but in the experience itself can we ascertain objectively the degree of evil and atrocity of this American scandal?

But the uncritical ethical use of experience is dangerous. Before the Sixties many a white Southerner believed he experienced a good personal relationship with the blacks he dealt with, a relationship best left the way it was. In the Thirties many a German believed she experienced Adolf Hitler as a good leader worthy of her support. We have said experience can be a revelation of values. We must add that experience

⁷C. Curran, "What Theology Isn't," *National Catholic Reporter*, Sept. 23, 1977, p. 11.

can be easily misread. Human beings often read values there that are not there.

As you see, I have opted for a definition of terms whereby "experience," by definition ("... concrete awareness of..."), is always true, and error comes from the individual's misreading of his or her experience. I could have defined experience more broadly and we then could speak of "true" and "false" experiences, experiences that were "revelations" and experiences that were "illusions." No matter which definition one selects, one has the same question to face: how does one come to the best grounded, most critically sound, most faithful reading of experience that is possible under the circumstances? Or negatively: how does one best avoid superficial, incomplete and erroneous readings of experience.

Let me start an answer by enouncing two general principles that are evident, I believe, but often neglected in contemporary ethical inquiry. First, one may not depreciate the ethical use of experience on the grounds that it can easily lead to error. So can every other source of moral understanding. As both Ignatius Loyola and Jean Paul Sartre have observed, even a direct revelation by God can be misinterpreted. The Christian Nazis and the Christian members of the Ku Klux Klan did not justify their conduct only by appeal to contemporary experience. Many of them argued from the Bible, the Christian tradition, the teaching of church authorities, the sense of the faithful, or the rationally discernible laws of nature. Recall the arguments used to prove the inferiority of Jews and the inferiority of negroes.

Some theologians appear to have a bias carried over from the days of their theological formation when reason was king. They tend to see individual experience as subjective and vague. Experience is irrefutable, they surmise, only because it is incommunicable and therefore unavailable for critical examination and collegial discussion. Reason, on the other hand, is sharp, lucid, objective, able to be tested in public discussion and thus lead discussants securely to the very truth of the matter.

One way of overcoming such a bias might be to carry out a *Denk-experiment*. Imagine, back before World War II, a room filled half with Suarezians and half with Thomists, discussing freely for two or three hours any question of philosophy or theology they considered important. Imagine then, also, a room of married couples discussing freely questions of married life that they found important.

My second general principle on critiquing the ethical use of experience is more positive: a powerful critique of any ethical use of experience is to get more experience and to compare it lucidly and systematically with the interpretation of experience already made. The mere accumulation of experience does not work this critique automatically. For centuries, Christian moralists invoked, among other things, human experience, to justify their value judgments about slavery and women and Jews and sexual intercourse. How many centuries did it take before

the actual experience of these realities caught the attention of Christian thinkers and forced them to challenge these accepted value judgments?

The frequent failures of Christians to use ongoing experience as an effective critique of value judgments read into earlier experience is, of course, no argument that such a critique is impossible or never dependable. After all, during these same centuries, Scripture, tradition, authority, reason and the Spirit had no greater success in compelling Christians to challenge their value judgments on slavery, women, Jews and conjugal sex. We offered earlier two paradigmatic instances where the persistent openness and sensitivity of ethicists to continued experience led them to criticize long accepted value judgments for which experience had been alleged as support: the morality of "usury" in the sixteenth century and the morality of the civil rights movement in the 1950's and 1960's. All of you, I am sure, could recall other such instances.

The challenge that further experience can give to moral principles originally formed on the basis of experience is strikingly illustrated by an exchange between Salvatore Adamo and readers of the *National Catholic Reporter*. Msgr. Adamo made his point with conviction and pathos: every homosexual act is "a disorder, a failure, yes, a perversion of the sexual act itself." "Has not nature or nature's God so designed the human body that the penis is made precisely in order to fit the vagina and not any other orifice?" "Without such mating of complementary genitalia, do the couples really do anything other than engage in mutual masturbation?" No! Consequently, "... homosexual acts cannot express the love [homosexuals] bear each other..."⁸

In subsequently published responses, several readers objected to the operative principle of Msgr. Adamo's argument. The readers cited their experience of heterosexual couples for whom bodily handicaps made the fitting of penis into vagina physically impossible. These couples expressed their love authentically and appropriately by mutual masturbation. The facts of experience, the readers argued, gave the lie to the operative moral principle of Msgr. Adamo.

Where continuing human experience works as a critique of earlier readings of the experience, it does so usually in interplay with other sources for Christian ethical judgment. It may require, for example, a theology that will encourage the ethicist to look in experience as much for what affects the individual's self-fulfilment as for what affects society's law and order. But ultimately in many cases, such as those we have just used for illustration, the ethicist's unflinching gaze at the experience going on is what decides him to criticize his own value judgments.

In the light of these two elementary principles concerning the critical use of experience, the present state of affairs in Roman Catholic sexual ethics is curious and hardly encouraging. Few moral theologians exhibit as part of their work the continual collating and scrutiny of further experience to test the moral positions they are presently holding

⁸S. Adamo, "Need to Separate Crime and Sin," *National Catholic Reporter*, Nov. 25, 1977, p. 9.

in matters sexual. There are exceptions.⁹ Who knows? Perhaps inertia will soon be overcome and the exceptions become the rule!

V

We have said a few things about experience in general and its critical use in ethics. Let us now look at two specific kinds of experience and their corresponding ethical use.

If one takes "experience" in a broad sense of the word, the principle that experience can be, by itself, a revelation of value is not new to Christian ethics. Classical natural law moralists drew numerous moral principles from experience. The experience of their time was that the consequences of certain actions were such that the activities were ultimately necessary for the good of society. The activities were, therefore, of value and, under certain conditions, of obligation. The experience of the time was that the consequences of other actions were in the long run gravely harmful to society. They were in the long run gravely harmful to society. They were, therefore, morally wrong.

Experience showed theologians that war was necessary for peace and order, that lying was destructive of communal life, and that marriage was necessary for the proper rearing of children. Wherefore the theologians articulated the just war theory, the prohibition of lying, and the prohibition of fornication. Experience here is inductive, predicting long-term consequences on the basis of cumulative experience. Without being fully aware of their methodology, classical theologians regularly surveyed experience of a long-range, inductive sort to conclude to moral laws.¹⁰

The modern mind has, of course, retained, refined and expanded this empirical collating of actions and consequences to predict future effects of the given actions. The modern mind continually draws therefrom principles of pragmatic utility. The modern moralist labors to draw moral principles therefrom, e.g. concerning the use of the nuclear bomb or "the green revolution" or mind-changing drugs or particular modes of child education. This kind of ethical use of experience is, as we all know, extremely problematic, deservedly suspicious, often unreliable, and absolutely necessary for moral theology today. We theologians are just

⁹ *Human Sexuality*, cited above, is an encouraging exception. Since it distinguishes the two tasks of Christian ethics, it need not and does not claim to give a final answer in making practical moral judgments. It can and does urge theologians to reap further the sexual value experience of the Christian people. The authors welcome having their conclusions revised and even reversed by the new experiential evidence they call for.

On the other hand, the theology of marriage laid down by James Burtchaeff could have been, but was not corrected or enriched by the accounts of married experience which Burtchaeff invited, received and published in the same book, *A Curious Tradition Marriage Among Christians* (Notre Dame: Ave Maria Press, 1977). See my review in *National Catholic Reporter*, Nov. 25, 1977, p. 12.

¹⁰ Cf. J. G. Milhaven, "Chapter 9. Criticism of Traditional Morality," *Toward a New Catholic Morality* (Garden City, N.Y.: Doubleday, 1970; Image book), pp. 123-35, previously published as "Towards an Epistemology of Ethics," *Theological Studies*, June 1966.

starting to work out a sound, critical methodology for using experience of this sort.¹¹

This morning, however, I would like to spend more time on a different kind of experience and on the use ethicists can make of it to conclude to moral values. The modern theologian turns to this use of experience much more than the classical theologian did. I am referring to the mining of *immediate* experience of value. I do not mean, therefore, the articulating of moral principles on the basis of statistical induction of long-range good or harm done by given actions. I mean rather the culling of values directly disclosed in the individual's experience of the action itself. Lisa Cahill has pointed out, as a new development in Christian sexual ethics, the frequency with which direct experience of sex is used as a *locus* for argumentation.¹²

The modern mind focuses on direct experience much more than Thomas Aquinas and his contemporaries. Philosophy being, as Hegel said, the mind of the time expressed in concepts, the dominant philosophies of the twentieth century are phenomenologies and analytic philosophies. Today's Christian moralist is a man of his time when he argues from the self-hatred of the negro and the self-respect of the black making his way towards equality. These feelings of self-hatred and self-respect are objects of direct experience. The ethicist can grasp their value or disvalue only by studying the direct experience. His role here is reflexively to bring into relief the feelings and their values and then to draw logical conclusions and make broader correlations.

Christian ethicists today draw many conclusions from direct experiences which they and their contemporaries have of concrete good and evil. They draw on experiences had by women in today's society, by members of various ethnic groups, by the working class in Latin America, by nature lovers, by participants in marriage encounters, by those whose lives have been transformed by psychotherapy. Ethicists who themselves belong to this last-mentioned group and work at reading their own experience strike me as ploughing an extraordinarily fertile field. I think of the works of Bernard Tyrell, Sam Keen, J.-M. Pohier, Tom Driver, William Lynch and Donald Evans.¹³ Equally impressive for me is the openness and docility of chancery jurists before the experience of remarried couples sitting in their office and telling their story. In these

¹¹One promising beginning has been a growing recognition of a valid, necessary "consequentialist" method in Christian ethics. Cf. C. Curran, *Themes in Fundamental Moral Theology* (Notre Dame: University of Notre Dame Press, 1977), pp. 121-44. Another promising beginning has been the growing correlation of theology and the social sciences. Cf. *Proceedings of the Thirty-Second Annual Convention, Catholic Theological Society of America*, June, 1977.

¹²L. Cahill, "Sexual Issues in Christian Theological Ethics: A Review of Recent Studies," *Religious Studies Review* 4, 1 (January, 1978), 5.

¹³B. Tyrell, *Christotherapy: Healing Through Enlightenment* (New York: Seabury, 1975); S. Keen, *Beginnings Without End* (New York: Harper and Row, 1975); J.-M. Pohier, *Le Chrétien, le plaisir, et la sexualité* (Paris: Cerf, 1974); T. Driver, *Patterns of Grace, Human Experience as Word of God* (New York: Harper and Row, 1977); D. Evans, *Struggle and Fulfilment* (to appear shortly from Beacon Press); W. F. Lynch, *Images of Hope. Imagination as Healer of the Hopeless* (Notre Dame: University of Notre Dame Press, 1974 [1965]).

and many other direct, personal experiences, Christian men and women are unearthing new values for themselves and, as they share them, for the Church. The thrust of my paper is to encourage us ethicists to use this kind of experience even more and to use it more critically, systematically and thematically. I will say more on this shortly.

The ethicist, therefore, uses at least two kinds of experience: both the direct experience of individual realities here and now present to the individual person, and the indirect cumulative experience a person has of continuing patterns of factual consequences. Bonhoeffer pondered both the blind, uncontrolled submissiveness of a German acquaintance returning from a Nazi rally, and the historical record of what Nazi policy was doing to Germany and Europe. Bonhoeffer did what the ethicist generally should do: use these two kinds of experience in dialectical dependence on each other as he came to his moral conclusions.

Indeed, quite apart from any use by the moralist, these two kinds of experience are ordinarily intertwined. James Meredith, entering the University of Mississippi for the first time experienced his own feelings and, to some extent, those of the individuals on campus awaiting him. But this unique, unprecedented experience of his must have been fused with the experience he had gathered over the years of the ways of the South. We must leave to some other occasion the further correlating of these two kinds of experience and their ethical use. As I said, I would like to spend the remaining time of this paper on the one kind of experience, the immediate or direct experience of value.

VI

I hope the flow of this paper is clear. We first distinguished two tasks of Christian ethics. In the first task, the judgmental one, we noted three different methods of proceeding: that of determining with certainty the moral nature of the activity questioned, that of determining the probability concerning the moral nature of the activity questioned, and that of reasoning from this probability to the certain responsibility of the Christian at the present time. We then narrowed our perspective to a second task, the critical-exploratory. This task draws on the same sources of evidence as the first one, but we soon centered on a single source: experience. We have just now compared the uses of two kinds of experience, one, direct and individual, the other, indirect, inductive and long-range. Let us concern ourselves now, in concluding, with the former use: the tracing out of concrete values directly disclosed in experience.

Of this particular use of experience in the critical-exploratory task of moral theology, we ask the same question we asked of experience in general: how can the ethicist use it in a critically sound way? With the help of the scholarship of modern exegetes, moral theologians have worked out some tenets of sound criticism for ethical use of Scripture. So, too, have moral theologians learned from the methodologies of contemporary historians, social historians, historians of religion, and philosophers and theologians of history in order to interpret and ap-

praise moral stances of the Christian tradition in a sophisticated, critically solid way. Moral theologians use human reason today in a more careful way than in the past, thanks to modern critiques of reason. As we noted above, moral theologians are making initial progress in elaborating a sound critical methodology for using what we have called "indirect experience," i.e. empirical laws. Consequently, although much confusion remains and a long road yet to travel, moral theologians seem to have achieved some minimal consensus, or majority view, on some basic methodological principles for the ethical use of Scripture, tradition, human reason and empirical laws. For the ethical use of direct experience, however, hardly any moral theologian, to my knowledge, has even started looking for principles of method.¹⁴

Let me suggest a few such principles.¹⁵ I will not try to prove them, but offer them for discussion and debate. A first principle: for an ethicist to discern the evidence of some particular value in direct experience, he has to have the experience! There is no other way. One may have the experience forced on one, if, for example, the question concerns black or women's liberation and one is a black or a woman in America today. Or one may get something of the experience by empathy. I believe that a white male can, if he wants to and takes the time and effort to, come to feel something of what blacks and women experience.

A few months ago, I saw the cover of *Time* and winced. I winced physically and interiorly. It was the picture of Cheryl Tiegs, one of our latest sex goddesses. I said later to a woman student at Brown University: "What do you think of the latest *Time* cover?" She winced. The patient efforts of my women students over the years are beginning to take effect. When they raged at being sex objects, I respected their rage. I tried to share their experience by imagining myself being a sex object. But it didn't seem that bad. I am finally getting there.

A second principle: the direct experience of a value, precisely because it is direct human experience, has to be bodily and affective. Charles Davis rightly observes, "Not to feel injustice is not to perceive injustice even if we learn to name it from what others say."¹⁶ "Bodily" experience means to perceive the value with the bodily senses and imagination as well as with the bodily feelings. Sam Keen illustrates the bodily experience of disvalue by the physical nausea he felt while watching a picture. A U.S. helicopter dragged a Vietnamese prisoner over a rocky terrain in order to make him talk.¹⁷

This second principle poses an almost insoluble problem of method for moral theologians accustomed to purely rational inquiry. How do they acquire an experience that is bodily and affective as well as rational? If it is to be by empathy, how do they get the empathy?

¹⁴There are exceptions such as D. Maguire, *The Moral Choice* (Garden City, N.Y.: Doubleday, 1978).

¹⁵Cf. J. G. Milhaven, "Objective Moral Evaluation of Consequences," *Theological Studies* 32, 3 (September, 1971), 425ff.

¹⁶C. Davis, *Body as Spirit* (New York: Seabury, 1977), cited by W. Lynch, *Commonweal*, March 31, 1978, 220.

¹⁷S. Keen, *To a Dancing God* (New York: Harper and Row, 1970), pp. 151ff.

Whence a third principle: to acquire the direct experience of value, the ethicist must turn to those genres of expression likely to communicate the experience. Logical reasoning or conceptual analysis or citation of authority or mere assertion is not likely to. What are likely to? Convinced eloquence (of a Gutierrez or Kalilombe) is.¹⁸ So, too, are creative writing (of a Camus or Berrigan), other works of art (such as films like *Roots* or *The Holocaust*), dramatic acting (used by Driver in his classes at Union Theological Seminary), accounts of real cases (like the autobiographical contributions to *Christian Marriage, A Curious Tradition*) and detailed, evocative phenomenology (of a Donald Evans or Paul Ricoeur). These modes of expression are "likely" to communicate human experience of value only in the sense that they are of a nature to do so. Many things can prevent them from achieving this purpose.

The modes for communicating direct experience of value which I have just enumerated are all literary or otherwise artistic. They are, incidentally, singularly lacking in recent Christian literature of sexual ethics, despite the growing appeal in the literature to direct experience. In any case, more effective communication of direct value experience than the literary comes from acting and interacting with people having the experience: working with the mentally retarded, attending AA meetings, visiting people on welfare, listening to foster children and ex-foster children, spending an evening with an homosexual couple, etc. A serious, critical use of direct experience of value can revolutionize the work of moral theologians!

By itself, a single reading or personal interaction will not normally communicate a new direct experience of value. If, on viewing *Roots* or visiting a nursing home for the elderly, I enter a new value experience, it is probably the climax of a series of experiences through reading, viewing and personal interaction. The human motor has to be turned over a good number of times before it starts.

On the other hand, the direct experience of value is not reasoned to by induction. It does not require statistical study or even knowledge or a large number of instances. A few cases often suffice. Both Erik Erikson and Jean Piaget came to their penetrating interpretations of valuable dynamics of human experience by pondering a tiny number of individual human beings. Essential is, first, the ethicist's attending to the experience itself, striving to let the imaginative, emotional and intellectual substance of the experience enter his or her mind. Secondly, the ethicist must contemplate the experience now within him or her, striving to trace out its currents of value or disvalue. To do this, one may need contact, as I said, with a series of different instances of this value experience. But the series can be brief, coming to fruition upon the ethicist's reading a telling phenomenology or seeing a powerfully wrought image or hearing a story or spending time with an individual person.

What we said earlier about experience in general is, if anything, more true of direct experience: it is easy to misread it. Hence our fourth principle: ethicists should offer their reading of direct experience for a

¹⁸See their presentations elsewhere in this volume of *The Proceedings*.

critical discussion by others. Ethicists should, therefore, state clearly (1) what moral arguments of theirs are based on direct experience, and (2) what exactly they found in the experience itself. Sounds elementary, doesn't it? And yet in recent writings on sexual ethics, few make this elementary statement, even when they base their arguments to some extent on direct experience.

André Guindon shows this neglect of elementary method. His thesis is: "This is also the fundamental tragedy of homosexuality: the incapacity to assume the 'other' and the 'other's' difference profoundly, lovingly, creatively. And no matter how much is said or written to the contrary, the homosexual deed will always be there to prove how cheap words can be." Homosexuality is "a mutilation of man's humanity," "a vain effort to become integrally human as a self-sufficient male or female, . . . a practical denial of the fact that being a human person is being a male or female interdependently and not independently, in a sort of neuter fashion."

From what sources does Guindon derive his thesis? Primarily is "the original Biblical insight." But Guindon claims to use more approaches than the Bible. Empirical sciences are not equipped to deal with ultimate value questions such as these. "We must enter into the realm of the theological, the philosophical, the poetic, and the ethical." This has a basis in "an integral experience of humanity."¹⁹

One needs no experience to recognize that homosexual relations lack the complementarity of the two sexes. It's part of the definition. Whether this factual lack is always a lack of value essential to being human and being a person, that is the issue. Guindon takes a negative stand on the issue. So, too, does Philip Keane, when he declares the homosexual act to be at least "an ontic evil."²⁰ But what exactly in this negative stand is based on direct experience? What exactly in direct experience is found to support this negative stand? Neither Guindon or Keane give me any idea.

This failure in elementary methodology is serious. I am a good teacher. I am not a good artist or a good statesman. I am unwilling and indeed incapable of being either of the two. Is this a tragedy in my life? An ontic evil in my teaching acts? Am I hereby lacking a value essential to being human and being a person? To prove that the lack of a value is a tragedy or an evil or the lack of something essential to being a human person, one must prove that in the absence of the value, the individual can acquire no compensatory good, equivalent in value and importance to the absent good. But to prove that, I must turn to direct experience.

I must, therefore, share the direct experience of homosexual couples. Particularly pertinent would be the experience of those who live together in a contented, committed love that is evidently fruitful and fulfilling. Neither Guindon nor Keane give sign of having consulted this experience.

¹⁹ A. Guindon, *The Sexual Language. An Essay in Moral Theology* (University of Ottawa Press, 1976), pp. 335-42.

²⁰ P. Keane, S. S., *Sexual Morality. A Catholic Perspective* (New York: Paulist Press, 1977), pp. 84-90.

Our convention workshop on conjugal love likewise illustrated this neglect of elementary method. A participant in the discussion based his moral principles on his assertion that conjugal intercourse was a profound communion in being.²¹ When asked to what extent this assertion was grounded in direct experience, he made it clear—with admirable honesty—that he had not yet thought this out, though he felt the assertion was, in part, grounded in direct experience. When asked what exactly was the communion in being directly experienced by a wife and husband having sex for fun, he showed himself equally unable to be precise.

On the other hand, those, including myself, who pressed this participant with these questions, did not propose, with any greater clarity, what values, determinative of moral principles, we believed the direct experience of conjugal sex reveals. It was a good workshop inasmuch as we identified work to be done. We aimed ourselves, somewhat vaguely, in the general direction of step one of a serious, critical, ethical use of the direct experience of sex.

I halt abruptly, in the hope of leaving the image of our ethics workshop fixed for a while in your minds as you walk away. The image typifies, I submit, the current sexual ethics debate of the Church. It typifies also certain other debates of contemporary moral theology. This negative image can also generate a positive counterimage in our minds, an idea of the rigorous, critical methodology we have yet to hammer out for using lay experience in Christian ethics.

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²¹ William May, "Conjugal Love," *infra*, pp. 135-42.